



11-24-04

B/1F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Hamud, Fozia M.  
)  
Kevin P. BAKER, et al. ) Art Unit: 1647  
)  
Application Serial No. 10/007,194 ) Confirmation No. 3544  
)  
Filed: December 6, 2001 ) Attorney's Docket No. 39780-2830 P1C6  
)  
For: **SECRETED AND** ) **Customer No. 35489**  
      **TRANSMEMBRANE** )  
      **POLYPEPTIDES AND NUCLEIC** )  
      **ACIDS ENCODING THE SAME** )

EXPRESS MAIL LABEL NO. EL 977 609 305 US  
DATE MAILED: NOVEMBER 22, 2004

AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, a Notice of Allowance was mailed on October 22, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please delete the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

<b>Kevin P. Baker</b>	<b>David Botstein</b>
<b>Dan L. Eaton</b>	<b>Napoleone Ferrara</b>
<b>Sherman Fong</b>	<b>Wei-Qiang Gao</b>
<b>J. Christopher Grimaldi</b>	<b>Kenneth J. Hillan</b>
<b>James Pan</b>	<b>Nicholas F. Paoni</b>
<b>Margaret Ann Roy</b>	<b>Victoria Smith</b>
<b>Timothy A. Stewart</b>	<b>Daniel Tumas</b>
<b>Colin K. Watanabe</b>	<b>P. Mickey Williams</b>

Upon entering the present amendment, Audrey Goddard, Luc Desnoyers, Paul J. Godowski, Austin Gurney, and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39780-2830 P1C6. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: November 22, 2004

By:   
Anna L. Barry (Reg. No. 51,436)

**HELLER EHRMAN WHITE & McAULIFFE LLP**

275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
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11/20/04 5:16 PM (39780.2830)

Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b> 10/007,194			
		<b>Filing Date</b> DECEMBER 6, 2001	
		<b>First Named Inventor</b> KEVIN P. BAKER	
		<b>Group/Art Unit</b> 1647	
<b>Examiner Name</b> HAMUD, FOZIA M.			
<b>Total Number of Pages in This Submission</b> 4	<b>Attorney Docket Number</b> 39780-2830 P1C6		

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> <b>FEE TRANSMITTAL FORM</b> <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice	<input type="checkbox"/> Copy of an Assignment <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input checked="" type="checkbox"/> <b>AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312</b>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):</b> <input checked="" type="checkbox"/> <b>STAMPED RETURN POSTCARD</b>
<b>Remarks</b> AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C6.		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

<b>Firm or Individual name</b>	<b>HELLER EHRMAN WHITE &amp; McAULIFFE LLP</b>	<b>ANNA L. BARRY (Reg. No. 51,436)</b>
	<b>275 Middlefield Road, Menlo Park, California 94025</b>	<b>Telephone: (650) 324-7000 Facsimile: (650) 324-0638</b>
<b>Signature</b>		
<b>Date</b>	<b>NOVEMBER 22, 2004</b>	<b>Customer Number: 35489</b>

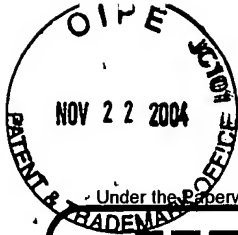
## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450**, on this date: **NOVEMBER 22, 2004**

Express Mail Label **EL 977 609 305 US**

<b>Typed or printed name</b>	<b>C. FONG</b>
<b>Signature</b>	
<b>Date</b>	<b>NOVEMBER 22, 2004</b>

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

## Complete if Known

Application Number	10/007,194
Filing Date	DECEMBER 6, 2001
First Named Inventor	KEVIN P. BAKER
Examiner Name	HAMUD, FOZIA M.
Art Unit	1647
Attorney Docket No.	39780-2830 P1C6

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641 (39780-2830 P1C6)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	ANNA L. BARRY	Registration No. (Attorney/Agent)	51,436	Telephone	(650) 324-7000
Signature		Date	NOVEMBER 22, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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